

REMARKS

Claims 1-39 had been cancelled without prejudice or disclaimer. Claims 40, 41, 47-50, 56 and 57 are amended and new claims 58 and 59 are added. Claims 40-59 are pending. No new matter has been added to the application by the present Amendment.

I. Rejection Under 35 U.S.C. 112, First Paragraph:

Claims 40-57 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. This rejection is respectfully traversed at least because (1) the specification expressly describes at least one supporting example, (2) the specification supports applying rules to “various regions” (not just region Y), where such rules include rules requiring additional information before providing access to various regions.

1. The specification Expressly Describes A Supporting Example:

The original specification describes a method in which a set of rules are implemented such that users (recipient processors) in region X are provided with full access to a product or service, while users (recipient processors) in region Y are provided with partial access to the product or service, only if further information is provided. (See, e.g., paragraph [0058], ll. 6-11 and paragraph [0059], ll. 4-8.)

It is respectfully submitted that such a method supports the claimed method including “requiring predefined additional information before providing each recipient processor determined to be within the predefined location or region access to first information.”

In particular, in the above-referenced embodiment, the processors associated with users in region Y are required to provide predefined additional information before those users are given access to a particular product or service. The Examiner correctly notes that the particular

example refers to region Y as a *partial* access region. However, *partial access* is a form of *access*. The ordinary meaning of the term “access” would include various levels of access. One having partial access to information does still have access to the information (albeit a “partial” access).

In that regard, the original specification supports the step of “requiring predefined additional information before providing each recipient processor determined to be within the predefined location or region access to first information.” The partial access for region Y (described in paragraph [0058] is a level or form of access.

In addition, the original specification supports the step of “providing each recipient processor not determined to be within the predefined location or region with access to first information without requiring the predefined additional information.” For example, in paragraph [0058], user devices in a first region (region X) are provided full access. Therefore, it is respectfully submitted that the full and partial access regions X and Y described in paragraphs [0058] and [0059] include examples that support the present claims.

The Examiner argues that paragraphs [0058] and [0059] of the application disclose “in region Y outside of X, partial access without additional information, but surely does not disclose full access without predefined additional information as required in the second prong of claim 40.”

However, claim 40 recites “requiring predefined additional information before providing each recipient processor determined to be within the predefined location or region access to first information.” As discussed above, the specification supports providing each user (recipient) in region Y with access (albeit partial access), but only if additional information is provided. Because partial access is a form of access (which is provided to users in region Y only if the additional information is provided), the additional information is required before that access is provided. Accordingly, it is respectfully submitted that the original specification supports the present claims. Furthermore, it is respectfully submitted that one of ordinary skill in the art would have understood from the original specification that the present inventors had possession of the invention recited in the claims.

2. The Specification Supports Applying Rules To Other Regions:

While the specific example in paragraph [0059], lines 4-8, uses region Y as the region in which additional information is required before access is provided, the specification makes it clear that the selection of region Y is “an example” and that the feature of rules that require additional information before applying access can be dependent on the geographic region, in general (not limited to the geographic region Y).

In particular, the first sentence of paragraph [0059] states: “In some embodiments, according to such rules, the provider may require additional user input or other information to provide limited or full access, depending upon the geographic location of the user device.” Thus, the inventors contemplated and described embodiments in which a set of rules are applied to provide limited or full access “depending upon the geographic location of the user.” The very next sentence begins “For example ...” indicating that the sentence describes an example of that feature. The particular example happens to refer to region Y as the region in which “additional user input or other information” is required to provide access. However, the preceding sentence clearly stated that the rule can be applied generally “depende~~ing~~ upon the geographic location.” In the context of having just described three geographic regions X, Y and Z (where Z is outside of X and Y) in paragraph [0058], the next paragraph [0059] shows that the inventors contemplated applying the rule of requiring additional information to any of those geographic regions (by stating that the rule can apply, “depending upon the geographic location of the user”)

In addition to paragraphs [0058] and [0059], other portions of the original specification also show that the inventors contemplated and described applying the rules (e.g., requiring additional information) to any of the regions and, thus, supports the claimed invention. For example, paragraph [0014] recites:

“a set of rules may be implemented, depending upon the geographic information (and, thus, the geographic location or region) such that various restrictions or limitations may be implemented for various geographic locations or regions. Thus, if a recipient processor provides geographic information corresponding to a first geographic location or region, then the provider processor may be controlled to not provide selective information to the recipient processor, unless further criteria is met. For example, such further criteria may

include, but is not limited to, a minimum user age, a particular period of the day, week, month or year, or other suitable criteria. Other geographic locations or regions may be associated with similar or other limitations or restrictions to the access of information from the provider processor.” (Underlines added for emphasis.)

Similar description is found in paragraph [0040]. Thus, paragraphs [0014], [0040], [0058] and [0059] clearly show that the inventors contemplated applying rules to various regions. The Examiner cites the specific *example* described in lines 4-11 of paragraph [0059] where the second region (Y) is the region for which additional information is required. However, the patent specification (in numerous locations noted above) makes it clear that the inventors contemplated applying rules to “various geographic locations or regions,” where region Y is used in paragraph [0059] in describing an “example.”

Accordingly, it is respectfully submitted that one of ordinary skill in the art would have understood from the original specification that the present inventors had possession of the invention recited in the claims.

3. New Claims 58 and 59 Recites Partial Access For Users In Predefined Region:

New claim 58 is dependent on claim 40, and recites requiring predefined additional information before providing each recipient processor determined to be within the predefined location or region partial but not full access to first information that corresponds to a partial but not full access to a product or service. Claim 58 further recites providing each recipient processor not determined to be within the predefined location or region with full access to first information without requiring the predefined additional information, where the full access to first information corresponds to full access to the product or service.

New claim 59 corresponds to claim 49, but recites that the first information is a partial access, while the second information is full access to a product or service.

Thus, the arguments raised in the rejection under 35 U.S.C. 112, first paragraph do not apply to new claims 58 and 59.

II. Rejections of Claims Under 35 U.S.C. 102(e) and 35 U.S.C. 103(a):

Claims 40, 41, 45-47, 49, 50 and 54-56 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,317,718 to Fano. Claims 40 and 49 are alternatively rejected and claims 48 and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,236,330 to Cohen. Claims 42-44 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,317,718 to Fano.

In responding to Applicant's previous remarks, the Examiner argues that the "providing" step in each of claims 40 and 49 is a contingent step (due to the phrase "in the event of"). The Examiner then interprets the claim such that the contingency does not occur and states that the "providing" step need not be considered. Based on that interpretation of the claims, the Examiner states that the previous rejections as applied to previous claim 1 apply to claims 40 and 49. (Office Action, page 7, lines 9-17.)

While Applicant respectfully traverses the Examiner's interpretation of claims 40 and 49, those claims are amended herein to avoid the use of the phrases "in the event of." It is respectfully requested that proper consideration and effect be given to the steps of requiring predefined additional information and of providing recipient processors with access. Accordingly, it is submitted that the claims are distinguished from the references of record at least for reasons as discussed on pages 8-10 of the Amendment and Reply filed December 11, 2008 (incorporated herein by reference).

For example, independent claim 40 recites a "method for controlling the distribution of information from an information provider processor to a plurality of recipient processors on a communications network, based on the geographic locations of the recipient processors." The method in claim 40 comprises, among other features, "receiving location information from each recipient processor ...; determining, from the location information, whether the geographic location of each recipient processor ... is within a predefined location or region; requiring predefined additional information before providing each recipient processor determined to be within the predefined location or region access to first information; and providing each recipient

processor not determined to be within the predefined location or region with access to first information without requiring the predefined additional information.”

A method as recited in claim 40 is neither described nor suggested by Fano, Cohen or Loban et al., alone or in combination. In particular, none of the cited references teach or suggest a method or system “requiring predefined additional information before providing each recipient processor determined to be within a predefined location or region access to first information,” yet “providing each recipient processor not determined to be within the predefined location or region with access to first information without requiring the predefined additional information.”

Instead, Fano describes a system and method in which an agent creates customized offers based on the location of a user and pre-defined items of interest to that user. Fano’s system and process uses additional information (pre-defined items of interest, etc.) regardless of the location of the user. No part of Fano’s system or process is configured to require predefined additional information before providing access to first information to each recipient processor that is determined to be within a predefined location or region, yet provide each recipient processor not determined to be within the predefined location or region with access to the first information without requiring the predefined additional information.

Cohen describes a mobile display system that includes a portable display device 14 and controller 16 connected for communication with a station 20, where the controller 16 retrieves pre-recorded display information from the station 20 for display on the display device 14. The controller 16 can obtain display information from the station 20 and store the display information for display on the display device 14, when the display device is in a designated location. (Cohen, col. 4, ll. 33-42.) In addition, the controller 16 can contact the station 20 to obtain new display information, in the event that the display device 14 is not in a designated location. (Cohen, col. 4, ll. 50-56.) However, no part of Cohen’s system or process is configured to require predefined additional information before providing access to first information to each recipient processor that is determined to be within a predefined location or region, yet provide each recipient

processors not determined to be within a predefined location or region with access to that first information without requiring the predefined additional information.

Accordingly, neither Fano nor Cohen, alone or in combination, describe or suggest the invention recited in claim 40. Therefore, it is submitted that claim 40 is patentably distinguished over the references of record.

A method as recited in claim 49 is also neither described nor suggested by Fano or Cohen, alone or in combination. In particular, none of the cited references teach or suggest a method or system “requiring predefined additional information before providing each recipient processor determined to be within the predefined location or region access to first information,” while also “providing each recipient processor not determined to be within the predefined location or region with access to second information without requiring the predefined additional information, wherein one of the first and second information is a partial access but not full access to a product or service and the other of the first and second information is full access to the product or service.”

Nothing in any of the Fano or Cohen references teach or suggest such features. Accordingly, neither Fano nor Cohen, alone or in combination, describe or suggest the invention recited in claim 49. Therefore, it is submitted that claim 49 is patentably distinguished over the references of record.

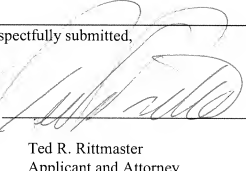
In addition, at least for reasons discussed in the Amendment and Reply filed December 11, 2008 (incorporated herein by reference), Applicant reserves the right to file additional evidence and comments in support of applicant’s early date of invention (relative to the Fano and Cohen references), if needed.

Accordingly, at least for the above-noted reasons, it is respectfully submitted that each of claims 40 and 49 are patentable over the references of record.

Each of claims 41-48 is dependent on claim 40 and each of claims 50-57 is dependent on claim 49. Accordingly, at least for reasons discussed above with respect to independent claims

40 and 49, each of dependent claims 41-48 and 50-57 is patentably distinguished over the references of record. Furthermore, each of the dependent claims 41-48 and 50-57 recite additional features that further distinguish those claims from the references of record.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Re-examination and reconsideration of the application, as amended, are requested.

<p>Date <u>6/30/09</u></p> <p><u>Correspondence Address:</u> Gregory A. Piccionelli Piccionelli & Sarno 2801 Townsgate Road, Suite 200 Telephone: (805) 497-5886 Facsimile: (805) 497-7046</p>	<p>Respectfully submitted,</p> <p>By <u></u></p> <p>Ted R. Rittmaster Applicant and Attorney Registration No. 32,933</p>
---	---